

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 854 - SB 919**

March 1, 2023

**SUMMARY OF BILL:** Authorizes the court to reduce the six-month waiting period after the filing of an adoption petition to three-months for children aged three years or less and children within six months of turning 18. Requires the court to provide a ruling on a petition of termination of custodial rights within 30 days of the conclusion of the hearing. Requires the Department of Children's Services (DCS) or licensed child-placing agencies to file motions to transfer guardianship rights of a child. Extends the length of time a person may make reasonable expenditures in support of a child's mother or a child available for adoption from 45 to 60 days after the child's birth. Clarifies that these expenditures may include in person or virtual counseling. Mandates that a father's consent before court to authorize an adoption proceeding is only necessary if the father has paid financial support to the child or child's mother, or has made a court filing or appearance consistent with the claim of paternity, and removes the requirement of a father's consent being mandatory simply based on the father being recorded on the child's birth certificate.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Based on information provided by DCS, it is reasonable to assume that the majority of potential adoptive children live in their foster home for more than six months prior to the adoption petition being filed. Therefore, decreasing the residence threshold to three months for certain children before an order of adoption is entered is assumed to have no significant impact on DCS.
- Tennessee Code Annotated § 36-1-113(k) currently requires the court to enter an order that makes specific findings of fact and conclusions of law within 30 days of the conclusion of a custodial hearing; therefore, requiring the court to provide a ruling on the petition of termination of custodial rights within this 30-day period can be accomplished without an increase in expenditures.
- The changes in court proceedings regarding guardianship that result from the proposed legislation will not have a significant fiscal impact to DCS or the court system.
- According to Tenn. Code Ann. § 36-1-109(a)(1)(B)(i), a person may make reasonable payments to a child or child's mother up to 45 days after the child's birth. Extending the allowed time to 60 days will not have any fiscal impact to the state or local government.
- Altering who is required to give consent before court in order to authorize an adoption proceeding can be accomplished without any significant fiscal impact to the courts.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

/cd